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January 13, 2021

Hon. Paul A. Engelmayer, United States District Judge
United States District Court
Southern District of New York
40 Foley Square, Room 1305
New York, New York 10007

Re: Alexandra Canosa v. Harvey Weinstein, et al.
No. 18 Civ. 4115 (PAE)

Dear Judge Engelmayer:

We represent plaintiff, Alexandra Canosa in this matter. We write to request leave of Court pursuant to FRCP §30(a)(2)(B) to take the deposition of Defendant Harvey Weinstein, since Mr. Weinstein is confined to Wende Correctional Facility, 3040 Wende Road, Alden, New York 14004 (DIN No. 20B0584), and to take his deposition by virtual means. A proposed order is attached.

Mr. Weinstein is a direct defendant alleged to have committed many material tortious acts towards Ms. Canosa (See Amended Complaint, ECF 96), and his testimony is therefore critical.

I acknowledge that this request might be premature. The Court's January 4, 2021 order (ECF 277) states that Mr. Weinstein's deposition is stayed until February 5, 2021, the deadline for his deposition is the same date, and that a further extension of the stay may be granted pending a doctor's letter due by January 29, 2021. In the event that the deposition will be expected to go forward on February 5, 2021¹, I feel compelled to write for permission now since we will need to give the correctional facility an abundance of time to internally arrange whatever they need to arrange. A staff member at Wende Correctional Facility told me they would need no less than 72 hours to arrange the deposition, and prefer more time, and the process can only begin once there is a specific court order.

I called Wende Correctional Facility to inquire how we might be able to have Mr. Weinstein's deposition. I was told that they could accommodate a virtual deposition, and would

¹ A notice to take Mr. Weinstein's deposition on February 5, 2021 was served on January 8, 2021.

need a court order emailed to them specifying the date and time, and that same is to be conducted via remote methods. I was told that the annexed proposed order would be adequate, once signed, to arrange the deposition. This annexed proposed order was emailed to defense counsel in this action on January 8, 2021 for comment, and no changes have been suggested to date. Counsel for Mr. Weinstein has not consented to the deposition of Mr. Weinstein and has previously moved for a stay.

Thank you for your consideration in this matter.

Respectfully submitted,



Jeremy A. Hellman

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The Court appreciates the difficulty in organizing the remote deposition of an incarcerated witness at this time. The Court denies the request for leave to take Mr. Weinstein's deposition on February 5, 2021 at this time. If on January 29, 2021 the Court determines that further medical stay of the deposition is not warranted, the Court would entertain a motion to extend the deadline to take Mr. Weinstein's deposition to give the Wende Correctional Facility proper time to prepare.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

January 14, 2021